

RECEIVED
CENTRAL FAX CENTER

Official

Page 10 of 16

APR 27 2009

URGENT – REPLY TO FINAL OFFICE ACTION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In the matter of:

INVENTORS: Solomon Zaromb et al.

EXAMINER: Dr. Bobby Ramdhanie

SERIAL NO.: 10/710,838

ART UNIT: 1709

FILED: August 5, 2004

FOR: AEROSOL COLLECTION APPARATUS AND METHODS

April 24, 2009

TERMINAL DISCLAIMER

Petitioner, Solomon Zaromb, is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of Patent No. 7,472,612. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, his successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is held invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration date of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

April 24, 2009

Date


Signature

☐ PTO suggested wording for terminal disclaimer was unchanged, except for the word "his" in lieu of "its" referring to the petitioner.